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**THE RIGHT TO DISCONNECT: A CONTEMPORARY LABOUR
RIGHT IN THE DIGITAL AGE**

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Abstract

The rapid expansion of digital technologies has significantly transformed the nature of work in the modern economy. Smartphones, emails, instant messaging platforms, and remote working systems have blurred the traditional boundaries between professional and personal life. While these technologies enhance productivity and connectivity, they have also created an environment in which employees are often expected to remain constantly available beyond official working hours. In response to this challenge, the concept of the Right to Disconnect has emerged as an important contemporary labour right aimed at protecting employees from the pressures of continuous digital engagement.

The Right to Disconnect refers to the entitlement of workers to disengage from work-related communications, such as emails, phone calls, and messages, outside their designated working hours without facing adverse consequences from employers. This right seeks to preserve work-life balance, safeguard mental health, and prevent workplace burnout caused by excessive digital monitoring and communication. Several countries, including France and other European nations, have begun recognizing and implementing this right through legislative and policy frameworks, acknowledging the need to adapt labour laws to the realities of the digital age. The rapid digitisation of work has created an “always-on” culture that blurs the distinction between professional and personal life. The Right to Disconnect (RTD) has emerged as a vital policy tool to safeguard employee well-being and restore work-life balance.

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This research paper examines the evolution and significance of the Right to Disconnect as a modern labour right within the framework of contemporary employment relations. It analyses the impact of digitalization on working conditions and explores how constant connectivity affects employees' well-being, productivity, and personal autonomy. The paper also evaluates international legal developments and emerging policy approaches that seek to institutionalize this right.

Furthermore, the study highlights the growing relevance of this concept in countries like India, where digital work culture is expanding rapidly but legal protections remain limited. By examining global practices and labour law principles, the paper argues for the recognition of the Right to Disconnect as an essential safeguard for workers in the digital era, ensuring a healthier balance between technological progress and human dignity in the workplace. This article examines the evolution, legal frameworks, theoretical basis, and practical challenges associated with the RTD, with a special focus on its relevance in India's changing labour landscape.

Introduction

Digital technologies have revolutionised workplace communication, enabling employees to remain connected beyond formal working hours. While such connectivity enhances efficiency, it often leads to extended working hours, reduced leisure time and increased psychological stress. India's workforce is experiencing unprecedented levels of digital overwork³. Long working hours, constant connectivity, and the expectation of being "always available" have blurred the boundary between professional and personal life. With burnout rates rising and employees increasingly reporting mental-health strain, the debate on healthier work-life balance has gained renewed urgency⁴.

Recent studies show how deeply technology has changed the rhythm of work. Microsoft's Work Trend Index reports a noticeable rise in meetings held late in the evening, more weekend logins, and a steady increase in messages being exchanged outside regular office hours. A 2025 Australian study found that nearly sixty percent of workers experienced mental

³ <https://vidhilegalpolicy.in/blog/right-to-disconnect-in-india/>

⁴ <https://www.indiatoday.in/health/story/corporate-burnout-in-india-workforce-rising-with-fatigue-addiction-mental-health-crisis-2809180-2025-10-28>

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health concerns linked to work-related stress, much of it caused by the feeling of being constantly available. These trends are now becoming familiar in many parts of the world, and India is no exception. With the rapid growth of the IT sector, global service industries, and remote work tools, Indian employees often find themselves attending late-night calls, replying to messages long after work, or staying alert to work notifications even during personal time. What began as workplace flexibility has gradually evolved into an implicit expectation of continuous availability. This blurring of boundaries has affected rest, family life, and overall well-being, and it has raised an important question about whether workers should have a protected space free from digital demands. It is in this context that the idea of a Right to Disconnect has begun to gain relevance as a necessary safeguard in today's digital workplace.⁵

With growing concerns over burnout and work-life imbalance, national and international labour bodies have recognised the need for a statutory Right to Disconnect Bill, 2025⁶, which allows employees to decline work-related communication outside designated work hours without adverse consequences. The right to disconnect is a proposed human right regarding the ability of people to disconnect from work and primarily not to engage in work-related electronic communications such as emails or messages during non-work hours.⁷

The Right to Disconnect refers to the ability of employees to disengage from work-related electronic communications outside working hours without fear of negative consequences from employers. It seeks to restore the balance between work and personal life by recognizing employees' right to rest, leisure, and privacy. In recent years, several jurisdictions have begun to address this issue through legislative and policy measures. Notably, France was among the first countries to formally recognize this right through labour law reforms, encouraging organizations to establish mechanisms that regulate after-hours communication.

In the era of remote work, flexible employment arrangements, and digital workplaces, the relevance of the Right to Disconnect has grown significantly. The COVID-19 pandemic

⁵<https://www.livelaw.in/lawschool/articles/employees-mental-health-and-right-to-disconnect-in-india-513926>

⁶ <https://www.msn.com/en-in/lifestyle/smart-living/right-to-disconnect-bill-2025-no-calls-emails-after-office-when-it-will-become-a-law-why-it-has-spared-work-life-balance-debate-explained/ar-AAIRSfG0>

⁷<https://web.archive.org/web/20170910220225/http://www.bersay-associates.com/en/2017-01/the-right-to-disconnect/>

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further accelerated digital work practices, making the issue of continuous connectivity more visible and urgent. Within this evolving labour landscape, the recognition of such a right represents an attempt to adapt labour protections to the realities of the digital age.

Evolution of the Right to Disconnect

The evolution of the Right to Disconnect is closely linked with the transformation of labour relations in response to technological advancement. In the pre-digital era, work was largely confined to physical workplaces and fixed working hours, allowing a clear demarcation between professional and personal life. However, with the advent of information and communication technologies (ICTs), particularly in the late 20th and early 21st centuries, this distinction began to erode. The proliferation of smartphones, laptops, and internet-based communication tools enabled employees to perform work beyond traditional office settings, gradually fostering a culture of constant accessibility.

Initially, labour laws across jurisdictions did not anticipate the challenges posed by digital connectivity. Traditional frameworks focused on regulating working hours, wages, and workplace conditions, without addressing the issue of after-hours digital communication. As a result, employees increasingly found themselves obligated—formally or informally—to respond to work-related communications outside official hours. This shift gave rise to concerns regarding unpaid labour, employee autonomy, and the adverse effects of overwork on mental health and well-being.

The concept of the Right to Disconnect began to take shape in response to these emerging challenges. Early discussions were rooted in broader labour rights such as the right to rest, leisure, and reasonable working hours, as recognized in international instruments like the Universal Declaration of Human Rights and conventions of the International Labour Organization. However, it was not until the mid-2010s that the Right to Disconnect gained formal recognition as a distinct legal concept.

The right to disconnect emerged in France in a decision in the Labour Chamber of the French Supreme Court. The decision on 2 October 2001 held that "the employee is under no obligation either to accept working at home or to bring there his files and working tools"⁸. In 2004 the Supreme Court affirmed this decision and ruled that "the fact that [the employee]

⁸Labor Chamber of the Cour de Cassation, October 2, 2001 n°99-42.727

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was not reachable on his cell phone outside working hours cannot be considered as misconduct⁹."

A significant milestone in its evolution was the legislative initiative undertaken by France in 2016, which introduced provisions requiring companies to negotiate policies regulating the use of digital communication tools outside working hours. This marked the first formal acknowledgment of the Right to Disconnect as a response to digital-era labour concerns. Following this, several European countries, including Spain, Italy, and Belgium, adopted similar measures, either through legislation or collective agreements, reflecting a growing international consensus on the need to address digital overreach in the workplace.

At the supranational level, the European Union has also engaged with the issue, with the European Parliament advocating for a directive to ensure workers' right to disconnect across member states. Although a uniform binding framework is still evolving, these developments indicate a progressive shift towards recognizing the right as an essential component of modern labour protection.

In contrast, countries like India are still in the nascent stages of recognizing this right. While there have been discussions and proposed legislative measures, such as private member bills addressing the issue, no comprehensive legal framework has yet been enacted. Nevertheless, the increasing penetration of digital work culture, especially post-pandemic, has intensified the need for such protections.

Thus, the evolution of the Right to Disconnect reflects a broader transition in labour law—from regulating physical workplaces to addressing the complexities of digital work environments. It underscores the growing recognition that employee well-being, autonomy, and dignity must be safeguarded in an era of continuous technological connectivity.

OVERVIEW OF THE RIGHT TO DISCONNECT BILL, 2025

The Right to Disconnect Bill, 2025 introduces a legislative framework aimed at protecting employees from the growing pressures of after-hours digital communication. At its core, the bill grants workers the legal right to ignore work-related calls, messages, and emails outside official working hours, including weekends and holidays. This right is designed to ensure that

⁹ Labor Chamber of the Cour de Cassation, February 17, 2004 n°01-45.889

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employees are not penalized directly or indirectly for choosing not to engage with work communication during personal time.

A central feature of the bill is the creation of an Employees' Welfare Authority, a regulatory body tasked with ensuring employer compliance. The Authority would be responsible for issuing guidelines, overseeing workplace policies on after-hours communication, and handling complaints arising from violations of the right to disconnect. Through this institutional mechanism, the bill seeks to move beyond voluntary corporate policies and establish enforceable norms.

The bill also imposes specific duties on employers, requiring them to draft clear internal policies, respect employees' right to disconnect, and maintain transparent systems for monitoring compliance. A structured dispute-resolution process is proposed, enabling employees to seek redress in cases where after-hours communication amounts to pressure, harassment, or unreasonable work expectations.

Introducing the bill, MP Supriya Sule emphasized that the objective is to enhance workplace well-being, reduce burnout, and promote a healthier work-life balance¹⁰. By addressing the adverse effects of digital overwork, the bill seeks to realign labour rights with the realities of modern, technology-driven workplaces.¹¹

The Right to Disconnect: A Constitutional Perspective in India

As established above, today's work culture, which extends beyond official hours, can have detrimental effects on both the physical and mental health of a person. While courts have yet to thoroughly examine the interpretation of the Right to Disconnect, it can be broadly interpreted under Article 21¹² of the Indian Constitution which guarantees every citizen the Right to Life and Liberty. The expression "of life" enshrined under Article 21 of the Constitution does not connote mere animal existence; it has a very broad scope, which includes the right to livelihood, better standards of life, and the right to leisure.

In *State of Punjab v. M.S. Chawla*¹³, it has been held that the right to life ensured under Article 21 incorporates inside its ambit the right to health and clinical consideration and in

¹⁰<https://www.msn.com/en-in/news/world/explained-what-supriya-sule-s-right-to-disconnect-bill-2025-means-for-every-employee/ar-AA1RPr9y>

¹¹<https://vidhilegalpolicy.in/blog/right-to-disconnect-in-india/>

¹²<https://indiankanoon.org/doc/1199182/>

¹³<https://main.sci.gov.in/jonew/judis/14595.pdf>

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the case of *CESC Ltd. v. Subash Chandra Bose*¹⁴, the Supreme Court observed that health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity. Thus, it can be established that the Right to health means both mental and physical health of a person. Further, in *Kirloskar Brothers Ltd. v. Employees State Insurance Corporation*¹⁵, the Supreme Court held that employers have a duty to ensure that their employees can lead a meaningful life. These judgments demonstrate how Article 21 encompasses the Right to Disconnect within its scope, emphasising the obligation of employers to actively promote and safeguard this right.

To fully grasp the state's obligations in realising the Right to Disconnect, Article 21¹⁶ should be interpreted alongside Articles 38¹⁷, 39¹⁸, 42¹⁹, 43²⁰, and 47²¹. These articles collectively establish the State's responsibility to promote the welfare and mental well-being of its citizens by ensuring humane working conditions, protecting vulnerable groups, and supporting mental health initiatives. These provisions underscore the importance of a balanced approach to work and life, reinforcing the right to disconnect as integral to overall health and societal well-being. Hence, the Constitution empowers the state to legislate and make policies on the Right to Disconnect²².

Advantages of Implementing the Right to Disconnect

The Right to Disconnect offers significant benefits in promoting the mental and physical well-being of employees. In an environment of constant digital connectivity, workers often experience stress, fatigue, and burnout due to the expectation of being available beyond working hours. By allowing employees to disengage from work-related communications, this right helps in reducing anxiety and work pressure, thereby improving overall mental health. It also ensures adequate rest and personal time, which are essential for maintaining productivity, creativity, and long-term job satisfaction. Consequently, employees are more

¹⁴<https://indiankanoon.org/doc/1510944/>

¹⁵<https://indiankanoon.org/doc/555884/>

¹⁶<https://indiankanoon.org/doc/1199182/>

¹⁷<https://www.mea.gov.in/images/pdf1/part4.pdf>

¹⁸<https://www.mea.gov.in/images/pdf1/part4.pdf>

¹⁹<https://www.mea.gov.in/images/pdf1/part4.pdf>

²⁰<https://www.mea.gov.in/images/pdf1/part4.pdf>

²¹<https://www.mea.gov.in/images/pdf1/part4.pdf>

²²<https://nliulawreview.nliu.ac.in/blog/the-right-to-disconnect-balancing-work-and-well-being-in-the-digital-age/>

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focused and efficient during working hours, leading to better performance and reduced absenteeism.

In addition to individual benefits, the Right to Disconnect also contributes to healthier organizational practices and work culture. It encourages employers to respect boundaries and establish clear communication policies, thereby fostering a more balanced and respectful work environment. This not only enhances employee morale but also strengthens trust between employers and employees. Furthermore, organizations that support such rights are more likely to attract and retain talent, as modern workers increasingly value work–life balance. In the broader context, the recognition of this right promotes sustainable labour practices by ensuring that technological advancements do not come at the cost of human dignity and personal autonomy.

The Right to Disconnect Bill, 2025²³, offers several notable strengths. By granting employees statutory autonomy to disengage from work communication after hours, it directly addresses issues of burnout and mental stress, promoting healthier work–life balance. The bill also aligns India with international standards, following the example of countries such as France, Italy, and Ireland, which have legally recognized the right to disconnect. By establishing clear boundaries between professional and personal time, it encourages employers to adopt more transparent and employee-centric policies²⁴.

Challenges in Realising the Right to Disconnect

Bringing this right into practice in India comes with real challenges. Many Indian industries depend on working with clients in different time zones, which sometimes makes after-hours communication unavoidable. A strict rule could create difficulties for companies that need to coordinate across continents. Workplace culture is another challenge. In many organisations, being available at all times is seen as a sign of dedication. Employees may hesitate to disconnect even if the law allows them to, simply because they worry about how it will affect their careers. There is also the question of enforcement. Much of the pressure to stay connected does not come in writing; it comes through subtle expectations or casual remarks. This makes it hard to prove when a right is being violated. India also has a large informal and gig workforce whose work schedules do not fit into standard office hours. Extending a formal

²³https://supriyassule.in/media/acfupload/248_of_2019_Right_to_Disconnect.pdf

²⁴<https://vidhilegalpolicy.in/blog/right-to-disconnect-in-india/>

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right to disconnect to them would require deeper changes in labour policy. These challenges show that while the right is important, putting it into practice requires thoughtful planning²⁵.

Way Forward and Policy Suggestions

A practical way forward for India would involve a mix of legal guidance and workplace-level action. The government could create basic rules that protect employees from retaliation and set reasonable expectations for communication outside work hours. At the same time, companies could develop their own policies that reflect their specific work needs. Clear communication guidelines, manager training, and an emphasis on mental well-being can help build healthier work habits. Encouraging employees to take breaks and creating a culture where switching off is respected can make a big difference. Looking at how other countries have approached this issue, India can adopt a flexible model that supports both worker welfare and the demands of a global economy. A thoughtful balance can ensure that technology supports work without overwhelming it²⁶.

The Right to Disconnect has emerged as an important idea at a time when work increasingly follows people wherever they go. Constant connectivity may seem efficient, but it has also placed a heavy strain on personal time and mental health. India is beginning to recognise these pressures, and while there is no national law yet, discussions in Parliament, state initiatives, and internal company policies show that awareness is growing. As work continues to evolve, India will need to find ways to protect employees' well-being while still supporting economic growth. Recognising the Right to Disconnect whether legally or through workplace norms can help restore balance and ensure that workers have the space they need to rest and live their lives beyond screens and notifications²⁷.

Conclusion

The Right to Disconnect has emerged as a crucial response to the evolving challenges of the digital workplace, where the lines between professional and personal life are increasingly

²⁵<https://www.livelaw.in/lawschool/articles/employees-mental-health-and-right-to-disconnect-in-india-513926>

²⁶<https://www.livelaw.in/lawschool/articles/employees-mental-health-and-right-to-disconnect-in-india-513926>

²⁷<https://www.livelaw.in/lawschool/articles/employees-mental-health-and-right-to-disconnect-in-india-513926>

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blurred. As technology continues to redefine the nature of work, the absence of clear boundaries has exposed employees to risks such as burnout, stress, and the erosion of personal time. Recognizing this right is not merely a matter of convenience but a necessary step toward safeguarding workers' dignity, mental well-being, and fundamental labour rights. The developments in various jurisdictions demonstrate a growing global acknowledgment that labour laws must adapt to the realities of continuous digital connectivity.

In the context of rapidly digitizing economies like India, the formal recognition and implementation of the Right to Disconnect hold significant importance. While challenges remain in terms of awareness, enforcement, and balancing organizational needs, proactive legal and policy measures can help create a more equitable work environment. Ultimately, the Right to Disconnect represents a progressive shift toward human-centric labour regulation, ensuring that technological advancement serves to enhance, rather than diminish, the quality of life for workers.

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